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Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

JUL 27 1993
 FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

In re Application of)

MM DOCKET NO. 93-155

RICHARD BOTT II
 (Assignor))

File No. BAPH-920917GO

and)

WESTERN COMMUNICATIONS, INC.
 (Assignee))

For Assignment of Construction)
 Permit of Station KCVI(FM),)
 Blackfoot, Idaho)

To: Administrative Law Judge
 Arthur I. Steinberg

MASS MEDIA BUREAU'S OPPOSITION TO
PETITION FOR CERTIFICATION TO COMMISSION

1. On July 15, 1993, Richard Bott, II ("Bott") filed a Petition for Certification to the Commission. For the reasons which follow, the Mass Media Bureau opposes Bott's petition.

2. Bott's petition is based on alleged misstatements of fact in the Hearing Designation Order, 8 FCC Rcd 4074 (1993) ("HDO"). However, the petition is nothing more than Bott's latest attempt to obtain reconsideration of the HDO. See Bott's Petition for Leave to File Petition for Reconsideration, filed with the Commission on June 25, 1993, and Bott's Motion to Delete

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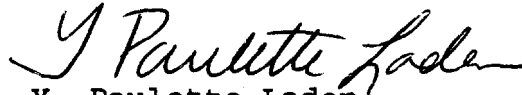
Issues, filed July 6, 1993. Contrary to Bott's claim, as well as the purpose of Section 1.106(a)(2) of the Commission's Rules, Bott's petition is not based on undisputed facts. In arguing that the premise for specification of the issue is wrong, Bott simply disagrees with the HDO's characterization of the facts. Indeed, Bott's instant filing merely reiterates the arguments proposed in its petition for reconsideration. Both pleadings make clear the fact that Bott's dissatisfaction with the HDO is complete. Nevertheless, Bott's desperate disinclination to ~~regulate this case on the merits~~ holds his efforts to initiate the

4. For the reasons set forth in the foregoing comments, the Bureau is of the view that Bott's request for certification should be denied.

Respectfully submitted,
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July 27, 1993

CERTIFICATE OF SERVICE

Michelle C. Mebane, a secretary in the Hearing Branch Mass Media Bureau, certifies that she has, on this 27th day of July, 1993, sent by regular United States mail, U.S. Government frank, copies of the foregoing "Mass Media Bureau's Opposition to Petition for Certification to Commission" to:

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